

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

v.

Criminal No. 07-189-GZS

DANIEL RILEY, JASON GERHARD and
CIRINO GONZALEZ,

Defendants

**ORDER DENYING DEFENDANT GERHARD’S MOTION TO ARREST JUDGMENT
AND DEFENDANT RILEY’S MOTION TO ARREST JUDGMENT**

Defendant Gerhard has filed a Motion to Arrest Judgment (Docket No. 420) and Defendant Riley has filed a Motion to Arrest Judgment (Docket No. 399) pursuant to Fed. R. Crim. P. 34. Specifically, Defendants contend that Court I is defective because it alleges only that the defendants “knowingly” conspired – omitting to charge the essential element of “willful” intent and that the two conspiracy counts in the Third Superseding Indictment (Count I and Count II) are multiplicitous.

The Court has thoroughly reviewed the Motions and, having previously ruled on both issues, the Court will again deny Defendants’ Motions. See Order Denying Defendant’s Motion to Dismiss Count I of the Third Superseding Indictment (Docket No. 367) and Order Denying Defendant Gerhard’s Motion to Dismiss Either Count I or Count II of the Indictment as Multiplicitous (Docket No. 258). Accordingly, the Court **ORDERS** that Defendant Gerhard’s

Motion to Arrest Judgment (Docket No. 420) and a Defendant Riley's Motion to Arrest Judgment (Docket No. 399) be, and they are hereby, **DENIED**.

/s/ George Z. Singal
Chief United States District Judge

Dated this 6th day of May, 2008.